



AF
IPW

Atty. Dkt. No. 049763-0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Jef DE BRABANDER, *et al.*

Title: **SYNTHESIS OF PELORUSIDE A AND ANALOGS
THEREOF FOR USE AS ANTITUMOR AGENTS**

Appl. No.: 10/783,848

Filing Date: 2/20/2004

Examiner: David K. O'DELL

Art Unit: 1625

Confirmation
Number: 7487

APPELLANTS' RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the PTO's notification of a non-compliant appeal brief, mailed on January 14, 2009, that concerns the captioned application. This submission is filed to amend the non-compliant portions of the brief within the one month time period prescribed by the notification.

The PTO asserted that the brief did not specify the status of each claim. In addition, the PTO pointed out that claim 23 warrants only one status identifier, in contrast to the two identifiers set out in the brief. Finally, the PTO suggested that Appellants submit only the portion of the brief that reflect corrections of these defects.

Accordingly, the following page sets forth a corrected "Status of the Claims" section.

STATUS OF CLAIMS

Cancelled claims: 1-2, 4, 5, 13, 15, 16, 18-22 and 25

Pending claims: 3, 6-12, 14, 17, 23, 24, and 26-28

Withdrawn claims: 14, 17, 24, and 26-28

Rejected claims: 6-12 and 23

Allowed claims: 3

Appealed claims: 7-12 and 23

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741.

Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, then Appellants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

Date: February 4, 2009

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4767
Facsimile: (202) 672-5399

Steven M. Reid, Ph.D.
Attorney for Appellants
Registration No. 54,393